

REMARKS

Reconsideration of this application as amended is respectfully requested.

In the Office Action dated November 15, 2005, claims 1-40 and 74 were pending and claims 1-22, 25, 35 and 74 were rejected. In this response, claims 1, 3, 6-8, 21, 23, 26-28 and 74 have been amended. Claims 2 and 22 have been canceled without prejudice. No claims are added. Thus, claims 1, 3-21, 23-40 and 74 remain pending. No new matter has been added. Support for the amendments can be found throughout the specification as filed. As an example, Applicant specifically directs Examiner's attention to pages 8, 15, and Figs 5, 6A, 6B and 6C.

Office Action only addressed claims 1-22, 25, 35 and 74 without mentioning claims 23, 24, 26-34, and 36-40. Applicant assumes that claims 23, 24, 26-34 and 36-40 are allowable.

Amendments

Rejections under 35 U.S.C. § 103(a)

Claims 1, 3-4, 6-7, 9-14, 16-17, 19-21 and 74

Claims 1, 3-4, 6-7, 9-14, 16-17, 19-21 and 74 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,026,383 of Ausubel (hereinafter "Ausubel") in view of U.S. Patent No. 5,715,402 of Popolo (hereinafter "Popolo") in further view of U.S. Patent No. 6,178,431 of Douglas (hereinafter "Douglas"). However, Applicant respectfully submits that Applicant's invention as claimed in claims 1, 3-4, 6-7, 9-14, 16-17, 19-21 and 74, as amended, is patentable over Ausubel in view of Popolo in further view of Douglas.

Specifically, for example, independent claim 1, as amended, includes:

"receiving electronically at a server first bid information for a lot from a first bidder of a first remote site over a network, said received first bid information representing a first bid that is originally defined in a context of said first bidder;

generating a transformed bid according to one or more first non-comparative bid parameters associated with the first bidder using a first transform function associated with the first bidder, the first transform function operative on the first bid information and the first non-comparative bid parameters, wherein one or more of the first non-comparative

parameters and the first transform function being known only to the buyer;
storing information reflective of said submitted first bid, said stored information enabling a relative comparison of submitted bids, including said first bid, on a common competitive basis;
converting within the server the transformed bid into a second bid information defined in a context of a second bidder according to one or more second non-comparative bid parameters associated with the second bidder, using a second transform function associated with the second bidder, the second transform function operative on the transformed bid and the second non-comparative bid parameters, wherein one or more of the second non-comparative parameters and the second transform function being known only to the buyer, wherein the second non-comparative parameters being different than the first non-comparative parameters, and wherein the second transform function being different than the first transform function; and
transmitting electronically the second bid information to the second bidder over the network, said transmitted second bid information enabling said second bidder to view said first bid originally defined in said context of said first bidder in said context of said second bidder, such that the second bidder is able to view other bid information from other bidders including the first bidder in view of a specific format desired by the second bidder, wherein the first bidder and the second bidder are different seller parties, and the buyer is different from the first bidder and the second bidder.”
(emphasis added)

Applicant's amended claim1 contains the limitations for generating a transformed bid according to non-comparative bid parameters and a transform function associated with a bidder. The amended claim 1 also includes the limitation that one or more of the non-comparative parameters and the transform function are known only to the buyer. It is respectfully submitted that the above limitations are absent from Ausubel, Popolo and Douglas.

Rather, Ausubel teaches a system and method for conducting an auction comprising a plurality of bid entry terminal and a bidding information processor. An auctioneer announces a price to the bidders and each bidder responds with a bid indicating how many objects each wishes to purchase at the current price (Ausubel, col. 3, lines 1-10). A bidder could enter his demand curve into the bid entry terminal before the start of the auction or enter his demands interactively into the bid entry terminal as the auction progresses (Ausubel, col. 4, lines 5-25). The bid entry terminal transmits the quantities demanded to the bidding information processor

(Ausubel, col. 4, lines 15-20). Nowhere in Ausubel discloses or suggests generating a transformed bid according to non-comparative bid parameters and a transform function associated with the bidder.

Office Action states:

“Ausubel (383) discloses performing a non-linear transformation (col 8, lines 1-19) using a lookup table (col 8, line 5).”
(Office Action, page 3)

It appears that Office Action interprets the demand curve disclosed in Ausubel as a lookup table for bid transformation. Applicant respectfully disagrees.

Rather, Ausubel states a demand curve is a table of the quantity which a bidder desires at each possible price that may be named in the course of the auction (Ausubel, col. 8, lines 5-10). Apparently, the demand curve, according to Ausubel, is used by the bid entry terminal to identify a bid desired by a bidder at an auction price. There is no transformation from a bid to a transformed bid through the lookup table disclosed by Ausubel.

Popolo describes an interactive on-line system that permits sellers to post specification for an item for sale and permits buyers to bid on the item posted. A user may select different units of measure, including inches, millimeters, tons, pounds, kilograms, hundredweights and currencies of various countries, where conversion between the units of measure occurs dynamically in real time (Popolo, col. 4, lines 20-40). For example, a user may select the currency of United States while another user may use the currency of Japan. Clearly, conversions between these units are commonly known. Hence, Popolo teaches a system that converts a measure from a unit commonly known in the art to another one, also commonly known in the art. Nowhere in Popolo discloses or suggests generating a transformed bid according to non-comparative parameters and a transform function wherein one or more of the non-comparative parameters and the transform function being known only to the buyer.

Douglas teaches a method and system for providing side notes in a word processing document that a user can view the side notes from another user in the some document which is unrelated to an online auction. Nowhere in Douglas discloses or suggests generating a transformed bid.

Furthermore, Ausubel is related to a system and method for conducting an auction in which the price paid by bidders is independent of their own bids. Popolo, however, proposes a system for managing steel inventories. Douglas is in an art completely unrelated to online

auction. Clearly, Ausubel, Popolo, and Douglas are in different arts. Additionally, there is neither suggestion nor motivation in Ausubel, Popolo and Douglas to combine the references.

As such, not only do Ausubel, Popol and Douglas not disclose, individually or in combination, all limitations of claim 1, but the references, considered as a whole, do not suggest the desirability and thus the obviousness of making the combination. Even if they were combined, such a combination still lacks the limitations set forth above.

Therefore, Applicant respectfully submits that claim 1, as amended, is patentable over Ausubel in view of Popolo in further view of Douglas under U.S.C. §103(a).

Independent claims 21 and 74, as amended, include limitations similar to those discussed above. Therefore, for the reasons similar to those discussed above, Applicant respectfully submits that claims 21 and 74, as amended, are patentable over Ausubel in view of Popolo in further in view of Douglas under U.S.C. §103(a).

Given that claims 3-4, 6-7, 9-14, 16-17 and 19-20 depend from claim 1, for at least for the reasons similar to those discussed above, it is respectfully submitted that claims 3-4, 6-7, 9-14, 16-17 and 19-20 are patentable over the cited references.

Claims 5, 15, 25 and 35

Claims 5, 15, 25 and 35 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ausubel in view of Popolo in further view of Douglas, further in view of U.S. Patent No. 3,637,464 of Walsh et al. (hereinafter "Walsh") and further in view of U.S. Patent No. 5,794,207 of Walker et al. (hereinafter "Walker"), i.e. five different references. However, Applicant respectfully submits that Applicant's invention as claimed in claims 5, 15, 25 and 35, as amended, is patentable over Ausubel in view of Popolo in further view of Douglas, further in view of Walsh and further in view of Walker.

Given that claims 5 and 15 depend from claim 1, as amended, claims 25 and 35 depend from claim 21, as amended, claims 5 and 15 include all the limitations of claim 1, as amended, and claims 25 and 35 include all the limitations of claim 21, as amended. Applicant respectfully submits the above noted limitations of claims 1 and 21, as amended, are absent from Walsh and Walker.

Rather, Walsh provides a preheating process to produce coke of low sulphur and ash contents. Walker, on the other hand, teaches a method for prospective buyers to communicate

a binding purchase offer to potential sellers. Nowhere in either Walsh or Walker discloses or suggests the above noted limitations of claims 1 and 21, as amended.

Further, Walsh is related to coke production. Walker is in the art of electronic contract application. Apparently, for the similar reasons as discussed above, Ausubel, Popolo, Douglas, Walsh and Walker are in different arts and there is neither suggestion nor motivation in Ausubel, Popolo Douglas, Walsh and Walker to combine the references.

Given that these references are related to different fields and they have significantly different designs, one with ordinary skill in the art would not, based on the teachings of these references to combine with one another, because such a combination lacks reasonable expectation of success.

As such, not only do Ausubel, Popol, Douglas, Walsh and Walker not disclose, individually or in combination, the above noted limitations of claims 1 and 21, but the references, considered as a whole, do not suggest the desirability and thus the obviousness of making the combination.

There is no suggestion Even if they were combined, such a combination still lacks the limitations set forth above.

Therefore, it is respectfully submitted that claims 5 and 15, depending from claim 1, as amended, and claims 25 and 35, depending from claim 21, as amended, are patentable over Ausubel in view of Popolo in further view of Douglas, and further in view of Walsh and further in view of Walker.

Rejections without Citing Basis

Claims 8 and 18

Claims 8 and 18 stand rejected as indicated in the Office Action Summary. No further details were provided in the Office Action. Claims 8 and 18 depend from claim 1, as amended. For at least the reasons similar to those discussed above, Applicant respectfully submits that claim 8 and 18, as amended, are in condition of allowance.

Other Claims

Claims 23, 24, 26-34 and 36-40

Claims 23, 24, 26-34 and 36-40 were neither object nor rejected in the Office Action. Claims 23, 24, 26-34 and 36-40 depend from claim 21, as amended. For at least the reasons similar to those discussed above, Applicant respectfully submits that claims 23, 24, 26-34 and 36-40 are in condition of allowance.

CONCLUSION

In view of the foregoing, Applicant respectfully submits the present application is now in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call the undersigned attorney at (408) 720-8300.

Please charge Deposit Account No. 02-2666 for any shortage of fees in connection with this response.

Respectfully submitted,

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Date: 3-15, 2006



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